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C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 002186

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E.O. 12958: DECL: 01/22/2011  
TAGS: [AORC](#) [IS](#) [KUNR](#) [PREL](#) [UNGA](#)  
SUBJECT: UN BUDGET: FIFTH COMMITTEE VOTE ON BUDGET  
IMPLICATIONS OF EMERGENCY SPECIAL SESSION RESOLUTION

REF: A. WALLACE-WARLICK ET AL. EMAILS 11/16  
[B](#). SECSTATE 188261  
[C](#). USUN 2146

Classified By: Ambassador Mark D. Wallace; Reasons: 1.4(B) and (D).

[1](#). (U) SUMMARY: On Friday, November 17th, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee of the General Assembly acted on the program budget implications (PBI) of draft resolution A/ES-10/L.19, in accordance with Rule 153 of the Rules and Procedures of the General Assembly. The draft resolution under consideration in the one-day Emergency Special Session sought to create a fact-finding mission, with reporting to the General Assembly, which had financial implications. The ACABQ's consideration of the PBI took nearly all day and the Fifth Committee did not take action on the draft decision until well after 6PM based upon the procedural and substantive inquiries of USUN MR. USUN, as instructed in ref A, called for a vote on the draft decision on the PBI and voted no. The final vote in the Fifth Committee was 143 in favor, 5 opposed (U.S., Israel, Australia, Micronesia, and Palau), and 2 abstentions (Canada and Kenya). The plenary then took action on the draft resolution (reported septel).  
END SUMMARY.

[2](#). (U) Early the evening of Thursday, November 16th, USUN was informed that the ACABQ and Fifth Committee would need to consider the PBI associated with the draft resolution to be acted upon by the Emergency Special Session. Due to the short time frame, the Secretariat had only prepared the PBI (A/C.5/61/12) late that afternoon and it was officially available to Member States Friday morning. The late issuance of both the draft resolution and the PBI raised procedural questions.

[3](#). (U) On Friday morning, the ACABQ began its consideration of the PBI. Members raised a number of questions, in particular the U.S. member, and answers to the questions were sought in writing from the Secretariat due to the political nature of the draft resolution. During the morning session of the Fifth Committee, South Africa (on behalf of the Group of 77 and China), questioned the working methods of the ACABQ and noted the urgency with which the President of the General Assembly had asked the Fifth Committee to consider this PBI. She noted the Group's concern that the ACABQ had not yet finished its work and asked for clarification of when the ACABQ might conclude its consideration of the PBI. The delegate also stated that the Committee might be forced to proceed with its consideration of the PBI without a report from the ACABQ. The EU and Ambassador Wallace emphasized the

importance of the Fifth Committee receiving the advice of the experts in the ACABQ and cautioned against asserting political pressure on the ACABQ. Ambassador Wallace also emphasized the dangerous precedent the Group of 77 would establish by taking action in the Fifth Committee without the expert recommendation of the ACABQ - for the first time in history.

¶4. (C) The Fifth Committee resumed its meeting on Friday afternoon, where South Africa took the floor to once again raise concerns regarding the time constraints that they claimed were faced by the Committee. (Note: the Group of 77 expected that the Emergency Special Session would be completed by the morning of November 17th and certainly before the five o'clock close of business and were concerned that many Group of 77 members would not be there to vote if the session were extended or delayed. END NOTE.) Ambassador Kumalo noted that there appeared to be an attempt to "run out the clock" in the Fifth Committee. The Chairman of the ACABQ briefed the Committee about the status of ACABQ's consideration of the PBI and noted that further information was still forthcoming from the Secretariat. (NOTE: During the lunch break, it was clear that the Group of 77 and China had put pressure on their experts in the ACABQ to quickly conclude their discussion. END NOTE.) Ambassador Kumalo requested that all language translation requirements be waived to expedite the Fifth Committee's consideration. (Note: a waiver of document language translation is a position contrary to the Group's standard Fifth Committee practice. END NOTE.) The Emergency Special GA Session suspended its meeting, as the GA was unable to take any action without a report from the Fifth Committee. The Fifth Committee became full of Permanent Representatives

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(Ambassadors Bolton and Wolff joined Ambassador Wallace in the afternoon in the Fifth Committee) as all delegations attempted to understand where things stood in the Committee. The oral report of the ACABQ was introduced to the Committee after 5:30 PM. Many members of the Fifth Committee had expected the Advisory Committee to conclude its work during the morning session.

¶5. (U) After the ACABQ report was introduced to the Committee, the Chairman of the Committee proceeded to read the oral draft decision for the Committee's action. Ambassador Wallace asked for a suspension of the meeting so that the ACABQ report and the draft decision could be circulated in writing. After a brief suspension, Ambassador Wallace raised a number of questions regarding the PBI and the ACABQ report, in particular the relationship between the fact-finding mission that would be created by the draft resolution and the mission created by the Human Rights Council in its recent resolution. Australia also inquired about the possible duplication between the resolution under consideration in the General Assembly and the one adopted by the Human Rights Council. South Africa noted that he respected the right of delegations to ask questions, but that it appeared that the Committee was now caught up in delay and asked the Chairman to take action. The EU noted that they were ready to adopt the draft decision, which would not give rise to additional requirements at the present stage and allow for additional resources to be reported in the context of the performance report.

¶6. (U) After a few further clarifications, the Chairman asked the Committee whether it could adopt the draft decision. Ambassador Wallace read the following explanation of vote, before the vote, which was drawn from reftel B and Ambassador Bolton's explanation of vote following the U.S. veto of the draft Security Council resolution (reftel C):

BEGIN TEXT:

Mr. Chairman,

The United States cannot support the resolution that results in the statement of program budget implications that the Committee is currently considering. The text is one-sided and unbalanced and will not advance the aspirations of the Palestinian and Israeli people. Therefore, we cannot support resources to implement this resolution.

My delegation notes that in the last day, the Third Committee of the General Assembly adopted a draft resolution that stresses the need to avoid politically motivated and biased country-specific resolutions. Yet, today, we see that the General Assembly is considering a resolution that is politically motivated and biased towards the state of Israel.

The draft resolution before the General Assembly today answers a significant question -- that of the relevance and utility of the United Nations in the twenty-first century. We question whether pursuing these types of resolutions furthers the goals of the United Nations, as stated in the Charter, and whether it is a good use of resources.

My delegation strongly believes in the principle of consensus in this Committee. However, in light of the underlying resolution, we cannot join consensus today on this matter and therefore seek a vote on this decision.

Thank you, Mr. Chairman.

END TEXT.

17. (U) Israel's representative, also speaking before the vote, said the reconvening of the Tenth Emergency Special Session of the Assembly was another example of Member States misusing and abusing the procedures of the General Assembly. He, too, supported the Fifth Committee's practice of consensus, but the draft decision before the Committee paved the way for a one-sided and biased draft to be presented to the Assembly. It ignored the fact that Palestinian actors had forced Israel to defend itself, and did not call on the Palestinian Authority to recognize Israel and curb violence. If the UN was to be useful, genuine negotiations between the parties represented the only way to settle the issue. Israel could not support expending additional financial resources for the implementation of political agendas, he said. The

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headline of the resolution was politically biased, he noted, even before the fact-finding mission was initiated. The draft was also talking about occupied territories, when the actions had taken place in the territory that Israel had left over a year ago, he said.

18. (U) The Committee then proceeded to a recorded vote on the draft decision: 143 in favor, 5 opposed (U.S., Israel, Australia, Micronesia, and Palau), and 2 abstentions (Canada and Kenya). After the vote, Australia's representative, explaining his negative vote on the draft decision, said the fact-finding mission that the Assembly set up by its text would not serve any useful purpose in resolving the conflict in the Middle East. He therefore recommended that the inquiry should not be funded, even if from existing resources. Australia had also voted against an inquiry that had already been set up by the Human Rights Council. Thus, if he disagreed on the inquiry in the first place, he would certainly object to two such inquiries. Finland (on behalf of the European Union) and Japan regretted that the Fifth Committee deviated from its usual practice of taking decisions by consensus.

19. (C) COMMENT: The EU, in particular, and Japan attempted to lobby the U.S. (both at the Ambassadorial and delegate level) to disassociate from the consensus rather than to vote against the PBI. The representatives of these nations said that the PBI was simply a technical issue and that politics should not be involved, although they acknowledged that the Fifth Committee and General Assembly as a whole were in fact political bodies. Australia and Canada were sympathetic to

the U.S. position, though also concerned about the precedent that would be set by another vote in the Fifth Committee.

¶10. (C) COMMENT CONTINUED: Both the G77 and the EU found themselves in difficult positions during the discussions. The G77's frustration at the pace of work in the ACABQ put them on the brink of calling for Fifth Committee action without an ACABQ report, a position and precedent that would not normally be suggested by the Group. Moreover, by attempting to steamroll the procedural roadblock of the ACABQ and the Fifth Committee, the Group of 77 found itself at odds with the EU and risked losing support for the resolution - at least in the Fifth Committee. The Group of 77 was therefore faced with observing the procedures of the ACABQ in the Fifth Committee (note: the very same procedures they typically tout) or ignoring them in order to permit timely action on the resolution in the GA Emergency Session. The EU wanted the costs to be absorbed and were waiting for the ACABQ to make such a recommendation. They were therefore dependent on having an ACABQ report before the Fifth Committee. In addition, the EU argued that they did not want to set any precedents in the Fifth Committee and moving ahead without an ACABQ report would be precedent-setting, putting them in an difficult position. At the height of discussions, the Finnish EU Presidency approached Ambassadors Bolton and Wallace and asked again if the U.S. would disassociate from the consensus in the Fifth Committee. Ambassador Wallace asked whether that would cause the EU to abstain on the vote on the underlying resolution, to which the response was "no." Ambassador Bolton stated that he heard that the EU might even co-sponsor the resolution before the Emergency Special Session. One of the Finnish delegates remarked that they might do just that (co-sponsor) given the U.S. position in the Fifth Committee, causing embarrassment among several EU members present. The Israeli Mission effusively thanked the USUN MR Section for its efforts in the Fifth Committee to oppose the resolution. END COMMENT.  
BOLTON